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09/880,779	06/15/2001	Christophe Vincent	SCHN : 002	7857

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT PAPER NUMBER

2635

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/880,779

**Applicant(s)**

VINCENT ET AL.

**Examiner**

Matsuichiro Shimizu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

The examiner acknowledges amended claims 1-11.

The examiner approves a substitute specification filed by applicant (see; MPEP 608.01(q) and 37 CFR 1.125(b)) in view of applicant's amendment (lines 8-13, page 12) filed on 1/28/2004.

The examiner withdraws the objection to the abstract in view of new abstract provided by the applicant filed on 1/28/2004.

The examiner withdraws allowable subject matters of claims 6-7 in view of new ground of rejection.

***Response to Arguments***

Applicant's arguments filed on 1/28/2004 have been fully considered and examiners response is provided as follows:

Regarding applicant's argument (lines 11-15, page 15), Gastouniotis in view of Tang teaches querying identification of said detected server (Tang-col 7, lines 24-41, communication means associated with server 200) automatic control equipment (Gastouniotis-col. 16, lines 3-14, querying identification associated with wakeup of the automatic control equipment), and a service means (Gastouniotis- col. 11, lines 23-37, list of diagnostic services associated with instrument ID, status of conditions of instrument) for communicating with said identified automatic control equipment.

Regarding applicant's argument (line 16, page 15 to line 8, page 16), examiner maintains that Gastouniotis in view of Tang teaches Bluetooth protocol (Tang-col. 7, lines 24-55, proximity network and Bluetooth) over wireless communication. That is; it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Gastouniotis teaches wireless communication and Tang teaches Bluetooth wherein solution is provided with closer range communication (10 meter or less) and higher data rate to increase communication reliability. These two prior arts Gastouniotis and Tang are analogous within the environment of wireless communication. See: ***analogous arts on MPEP 2141.01 (a).***

Examiner's request for drawing correction, and rejection of claims 1-11 follow:

### ***Drawings***

The drawings are objected to because figures 1-4 does not provide descriptive labels to blocks. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance (see 35 CFR 1.83(a)).

### ***Claim Rejections – 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support for how this “receiving means” and “link mechanism comprising --” in claim 1 interacts with system. Nor does it appear to be defined in specification.

### ***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis et al. (5,438,329) in view of Tang et al. (6,347,095).

Regarding claim 1, Gastouniotis teaches an access system (Fig. 1, col. 4, lines 9-14, access associated with instrument reading) comprising: automatic control equipment (col. 4, lines 6-61, data gathering unit 4) comprising: transmission/reception means for transmitting and receiving messages) on a wireless network using radio waves, a link mechanism, and server communication means for linking with a receiving means; and at least one mobile device (col. 4, lines 6-61, a remote station 6) comprising communication means for linking with said communication means, or at least one client automatic control equipment comprising client communication means for linking with said communication means, wherein said communication means (27) (col. 4, lines 6-61, instrument link 2) is also for implementing said link mechanism in compliance with the network protocol with said communication means of said mobile device (col. 1, lines 6-61, mobile remote stations 8 d-c) or with said client communication means; to supply control, display and monitoring functions from the automatic control equipment, the link mechanism comprising a detection means for detecting presence of at least one automatic control equipment, a description means for querying identification of said detected automatic control equipment (col. 16, lines 3-14, querying identification associated with wakeup of the automatic control equipment), and a service means (col. 11, lines 23-37, list of diagnostic services associated with instrument ID, status of conditions of instrument) for communicating with said identified automatic control equipment. But Gastouniotis does not teach a server communication means, a wireless proximity network and Bluetooth protocol with communication means.

However, Tang teaches, in the art of wireless communication network, a server communication means (col 7, lines 24-41, communication means associated with server 200), a wireless proximity network associated with Bluetooth protocol (col. 7, lines 24-55, proximity network and Bluetooth) for the purpose of providing shorter range (10 meter) and higher data rate communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a server communication means, a wireless proximity network and Bluetooth

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protocol with communication means in the device of Gastouniotis because Gastouniotis suggest communication means and wireless network and Tang teaches a server communication means, a wireless proximity network and Bluetooth protocol with communication means for the purpose of providing shorter range (10 meter) and higher data rate communication system.

Regarding claim 2, Gastouniotis in view of Tang teaches access system according to claim 1, further comprising an internal memory containing information relating to the server automatic control equipment, wherein the server (Tang-col 7, lines 24-41, communication means associated with server 200) communication means has access to an internal memory (Gastouniotis-col. 9, lines 44-58, water meter reading data from data registers or memory; col. 11, lines 20-37, data gathering device 6-61, instrument link 2).

Regarding claim 4 Gastouniotis in view of Tang teaches access system according to claim 2, characterized in that the server communication means (27) of an item of server automatic control equipment (20) are waiting (Gastouniotis-col. 4, lines 47-61, wake-up the server upon receiving interrogation signal from mobile device 6) for a detection query (11) sent by at least one mobile device (10) on the proximity network (30).

Regarding claim 5, Gastouniotis teaches access system according to claim 4, characterized in that, following the reception of a detection query (11) from a mobile device (10), the server communication means (27) generate a detection response (21) used to signal their presence to the mobile device (10) (Gastouniotis-col. 4, lines 47-61, RF signal backed to the mobile device 6).

Regarding claim 6, Gastouniotis in view of Tang teaches the access system according to claim 2, wherein the client communication means (Gastouniotis-Fig. 1, handheld remote station 6) of a client automatic control equipment (Gastouniotis-col. 21, lines 51- is for transmitting detection queries (Gastouniotis-col. 4, lines 47-61, interrogate or transmitting detection queries) across the proximity network to detect the presence of at least one automatic control equipment within the proximity network (Tang-col. 7, lines 24-55, proximity network and Bluetooth).

Regarding claim 7, Gastouniotis in view of Tang teaches the access system according to claim 6, wherein the client communication means is for transmitting detection queries at the initiative of an application program running in the client automatic control equipment (Gastouniotis-col. 2, lines 39-46, the interrogation transmitter means transmits a radio frequency signal; col. 16, lines 3-14, transmission of wakeup signal associated with detection queries).

Regarding claim 8, Gastouniotis in view of Tang teaches access system according to claim 5, wherein the server communication means (Tang-col. 7, lines 24-55, server 200 proximity application device) is for responding to a description query transmitted by the mobile device or the client automatic control equipment by returning a description response which includes an identification and authentication of the server automatic control equipment (Gastouniotis-col. 11, lines 23-37, instrument ID, status of conditions of instrument) and a list of services (Gastouniotis-col. 11, lines 23-37, list of diagnostic services associated with instrument ID, status of conditions of instrument) offered by the server automatic control equipment (20).

Regarding claim 9, Gastouniotis in view of Tang teaches the access system according to claim 8, wherein the server automatic control equipment (Tang-col. 7, lines 24-55, server 200) is for exchanging messages with the mobile device via the proximity network, when the link mechanism establishes a link, so that a user of the mobile device can perform control, display and monitoring functions of the server automatic control equipment (Gastouniotis-col. 13, lines 52-63, instruct the instrument link to go back to sleep via ACK signal from remote station 6).

Regarding claim 11, Tang teaches the access system of claim 1 in combination with an automatic control equipment, comprising automatic control equipment comprising means for communicating over a proximity network (col. 7, lines 24-55, proximity and Bluetooth) by means of said access system.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis in view of Tang et al. as applied to claim 2 and 8 above, and further in view of de Silva et al. (6,564,320).

Regarding claim 3, Gastouniotis in view of Tang teaches access system according to claim 2, characterized in that the item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function (Fig. 6, communication link 110A). But Gastouniotis in view of Tang does not teach the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function.

However, de Silva teaches, in the art of wireless network, the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function (Fig. 6, local server communicating as 11A link and communicating as client 112 link) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a

person skilled in the art at the time the invention was made to include the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function in the device of Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function for the purpose of providing flexible communication system.

Regarding claim 10, Gastouniotis in view of Tang teaches access system according to claim 8, characterized in that, when the link mechanism is set up, the server automatic control equipment (20) provide server communication means (27') to be able to perform a server function. But Gastouniotis in view of Tang does not teach access system, characterized in that, when the link mechanism is set up, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20).

However, de Silva teaches, in the art of wireless network, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) (Fig. 8, col. 12, lines 1-21, local interface generates custom display 818 to be transmitted to client 102) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) in the device of Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic

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control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) for the purpose of providing flexible communication system.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

March 27, 2003



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